

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40524 of 2021**

Arising Out of PS. Case No.-321 Year-2021 Thana- CHAPRA TOWN District- Saran

RAJESH KUMAR CHOUDHARY @ RAJESH KUMAR @ RAJESH PRASAD SON OF LATE RAM NARESH CHOUDHARY Resident of Village- Daldalibazar, P.S.- Chapra (Nagar), Distt.- Saran at Chapra.(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30 (a), 41(i) (ii) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 200 liters of country made liquor has been recovered from a tempo and driver of the vehicle, Lalu Kumar, was apprehended on the spot who disclosed the name of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner claims clean



antecedent and is in custody since 20.06.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Saran at Chapra in connection with Chapra (Nagar) PS case No. 321/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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